

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

NEIL T. LARSON, Plaintiff, vs. ANDREW M. SAUL, COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION; Defendant.	4:18-CV-04121-VLD ORDER ON MOTIONS FOR ATTORNEY'S FEES
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Pending are plaintiff Neil T. Larson's motions for attorney's fees (Docket Nos. 31 and 32). The government did not respond to either motion and the time for doing so has passed.

Counsel Steven Pfeiffer represented plaintiff on a contingent fee basis for 25% of any past due benefits awarded. As a result of his successful proceedings on remand, plaintiff was awarded \$59,792.00 in past due benefits. A full fee award of 25% of past due benefits would be \$14,948.00. The instant motions request a fee award of \$8,948.00, which is about 15% of past due benefits (leaving \$6,000.00 to pay plaintiff's other representative at the administrative level, well within the 25% contingent fee agreement).

The court previously awarded \$10,301.32 to plaintiff (representing \$9,672.60 in attorney fees and \$628.72 in sales tax). See Docket No. 26.

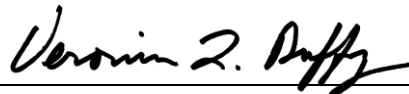
However, the US Department of Treasury seized \$8,550.61 for payment to the US Department of Education, leaving a net payment of \$1,750.71 to plaintiff's counsel. In the latest motions, plaintiff's counsel requests an additional fee award of \$8,948.00. The plaintiff will then receive, or be credited with, \$1,750.71 for the EAJA fee previously paid in this matter for a net additional fee award to plaintiff's counsel of \$7,197.29. The court has reviewed the hours expended by counsel, the effective hourly rate of compensation based on the proposed award and the amount of time expended by counsel, other similar fees awarded in similar cases, the results obtained, and counsel's customary hourly rate. Considering all these factors, the court finds counsel's fee request to be reasonable.

Based upon a review of the motions and good cause appearing, it is hereby

ORDERED that the motions (Docket Nos. 31 and 32) are granted. Plaintiff's counsel is awarded \$8,948.00 in attorney's fees and, upon receipt, counsel shall return to plaintiff \$1,750.71 previously paid to counsel under the EAJA.

DATED this 22nd day of February, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", is written over a horizontal line.

VERONICA L. DUFFY
United States Magistrate Judge